

### **REMARKS**

Applicants respectfully requests reconsideration and allowance of this application in view of the following comments.

Claims 13 – 29 are pending.

#### **Rejections under 35 U.S.C. 102**

The Examiner rejected claims 13 – 29 under 35 U.S.C. 102(a) as being anticipated by EP 1022245A2. The Examiner did not indicate the teaching of EP 1022245A2 in his rejection. In response, Applicants enclose a certified English translation of the German priority document DE 100 29 298.4 to perfect Applicants' foreign priority claim, thereby antedating the EP reference. The German priority document DE 100 29 298.4 has a filing date of June 14, 2000 which is prior to the July 26, 2000 publication date of EP 1022245A2. Accordingly, Applicants submit EP 1022245A2 is not prior art for purposes of this section of the statute, and therefore the claims are not anticipated.

In view of the foregoing, Applicants submits that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Obviousness-type Double Patenting Rejection

Claims 13 – 29 stand rejected under the judicially created doctrine of obviousness –type double patenting over application no. 09/728,839. In response, a terminal disclaimer over application no. 09/728,839 is submitted in a separate paper.

In view of the foregoing, Applicants submits that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Conclusion

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Applicants: Thomas GASSNER et al  
Application No. 09/877,621  
Amendment in Response to Office Action dated August 16, 2004

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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By 

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Enclosure: Certified English-language translation of DE 100 29 298.4.